

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

TIMOTHY KIRBY,

Plaintiff,

vs.

RICHARD LAUX; DR. SAMINA AHSAN; PEGGY FINCH, R.N.; PANG LANG KOOI, M.D.; LOUELLEN JOSINA; WILLIAM ROBINSON; JOSEPH S. PAXHIA; LEIGH FURKRAZ; BARBARA GILTNER;

Defendants.

9:05-CV-1527
(TJM)

TIMOTHY KIRBY, Plaintiff *Pro Se*

HEATHER R. RUBINSTEIN, Assistant Attorney General for Defendants

Thomas J. McAvoy, Senior United States District Judge

AMENDMENT/CORRECTION TO MEMORANDUM DECISION & ORDER

On September 23, 2008, this court issued a Memorandum Decision & Order in this case. (Dkt. No. 23). This court hereby amends and corrects its September 23, 2008 Order.

- A) On page 1 of the order, **AMEND LINES 7 AND 8** by **DELETING** any reference to a cross-motion for summary judgment by plaintiff as follows:

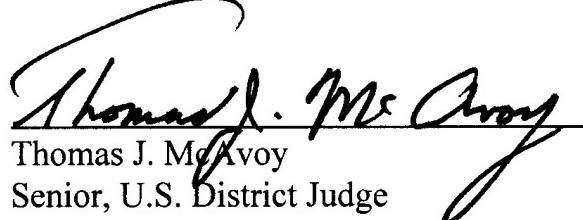
Plaintiff opposes defendants' motion. ~~and makes a cross-motion for summary judgment.~~ (Dkt. No. 47).

- B) On page 2 of the order, **AMEND LINES 16-18** by **DELETING** the last two full sentences of the paragraph as follows:

~~In this case, both parties have moved for summary judgment. (Dkt. Nos. 44, 47). Thus, both parties claim that the facts are undisputed and that judgment may be rendered as a matter of law.~~

IT IS SO ORDERED.

Dated: September 25, 2008


Thomas J. McAvoy
Senior, U.S. District Judge